From: "Brown, Leah" <Brown.Leah@epa.gov>
To: "Croxton, David" <Croxton.David@epa.gov>
"Hodgkiss, Miranda" <Hodgkiss.Miranda@epa.gov>
Date: 6/26/2018 3:27:54 PM
Subject: FW: Deschutes Bullets for David F

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From: Curtin, James
Sent: Tuesday, June 26, 2018 2:50 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Havard, James <Havard.James@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>
Subject: Deschutes Bullets for David F

David F has asked me to prepare some bullets (b)(5) attorney-client the proposed Deschutes decision. Here's a draft. If you get comments back to me by 10am Wednesday morning, I can get this to David by noon.

Thanks.

Jim

Jim Curtin

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Deschutes TMDL Decision Document: (b) (5) ACP

(b) (5) ACP EPA is under court order to "complete its action" by June 29, 2018 on the State of Washington's 73 TMDLs, submitted in 2015 and amended in 2017, for bacteria, temperature, DO, pH and fine sediment.

Region 10 and ORC have coordinated closely with OWOW and OGC during the Deschutes TMDL decision process and the drafting of all supporting documents. R10's proposed decision is as follows:

- **Approve 26 TMDLs** for temperature.
- **Disapprove 14 TMDLs** for bacteria because Washington revised their TMDL calculations after submittal w/o providing additional public notice as required by 40 CFR 130.7(c)(1)(ii). R10 found that these TMDLs were otherwise approvable as a technical matter.
- **Disapprove 23 TMDLs** for temperature, bacteria, DO, pH and fine sediment on a variety of grounds (some in combination). These include (1) TMDL submission lacks required elements, e.g., loading capacity calculations, wasteload allocations and load allocations (130.2; 130.7); (2) TMDL fails to protect downstream WQS as required by Washington's own narrative WQS; and (3) the TMDL lacks a clear "linkage analysis" showing that the TMDL target is set at a level to implement applicable WQS.
- **Take no action on 10 TMDLs** for bacteria because the waters have been removed from Washington's 303(d) list as no longer impaired.

(b) (5) ACP

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